

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE ADOPTION OF A)
NEW RULE TO BE DESIGNATED AS SDCL)
16-19-35.1)

RULE 94-13

Pursuant to a hearing held on September 22, 1994, at Pierre, South Dakota, relating to the adoption of a new rule concerning the discipline of attorneys, the Court having considered the proposed new rule, the correspondence and oral presentations relating thereto, if any, and being fully advised in the premises, now, therefore, it is

ORDERED that the following new rule, to be designated as SDCL 16-19-35.1, be and it is hereby adopted to read in its entirety as follows:

16-19-35.1. Petition by board for temporary suspension. The Disciplinary Board may petition the Supreme Court to temporarily suspend a lawyer from the practice of law or to impose restrictions or conditions on the attorney's practice pending full investigation and disposition, including but not limited to requiring the attorney to provide proof of professional negligence insurance or the posting of a fidelity bond, where the attorney poses a risk or danger to clients, clients' property, or the public, where the Board can demonstrate a substantial likelihood that the attorney will ultimately be disciplined, and where the charges under investigation, if ultimately proven, would likely result in a suspension or disbarment. The Board or Board counsel shall serve a copy of the petition upon the respondent attorney by registered or certified mail. The respondent attorney shall file with the Supreme Court a response within ten days of service and serve a copy of the response on the Board or Board counsel. The Supreme Court may schedule a hearing before the Court or order a hearing to be conducted by a referee. To the extent possible, these proceedings

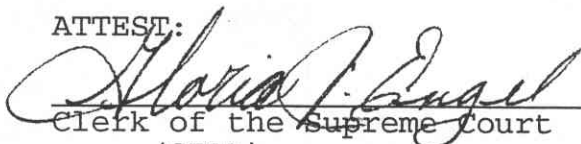
shall be conducted on an expedited basis. Thereafter, the Court may deny the petition, suspend the lawyer pending formal proceedings as provided in this chapter, or impose such restrictions or conditions for the continuing practice of law upon the respondent lawyer as the Court deems appropriate.


IT IS FURTHER ORDERED that this rule shall become effective November 1, 1994.

DATED at Pierre, South Dakota, this 7th day of October, 1994.

BY THE COURT:

ATTEST:


Clerk of the Supreme Court
(SEAL)


Robert A. Miller, Chief Justice

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

OCT 07 1994


Clerk